

6/4/07 - Monday, June 4, 2007

CITY OF EAU CLAIRE

PLAN COMMISSION MINUTES

Meeting of June 4, 2007

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Levandowski, Larson, FitzGerald, Kayser, Waedt, Vande Loo, Hughes, Davis

Staff Present: Messrs. Tufte, Reiter, Genskow, Johnathan

The meeting was chaired by Mr. Levandowski.

1. **REZONING (Z-1386-07) - R-3P and C-2P to R-3P, Oxbow Apartments, 10th Avenue**
and
SITE PLAN (SP-0722) - Oxbow Apartments Addition

The applicant has requested this item be withdrawn to redesign the project.

No one appeared in opposition.

Mr. Kayser move to accept the withdrawal. Mr. Waedt seconded and the motion carried.

2. **CONDITIONAL USE PERMIT (CZ-0707) - Non-accessory Parking, 225 10th Avenue**
and
SITE PLAN (SP-0722) - Parking Lot, 10th Avenue

Mr. Tufte recommended that this item be postponed until the rezoning is re-submitted.

No one appeared in opposition.

Mr. FitzGerald moved to postpone consideration. Mr. Kayser seconded and the motion carried.

3. **CONDITIONAL USE PERMIT (CZ-0708) - Vehicle and Scooter Sales Lot, 602 S. Barstow Street**

Wayne Denning has submitted a request to allow a scooter and occasional auto sales lot at 602 S. Barstow Street. The site has room to park 7 vehicles, with 3 reserved for employee and customer parking. Four stalls will be available for display. The scooter display area will be at the northeast corner of the lot near the intersection.

Shane Denning, son of the applicant, spoke in support. He stated they might conduct scooter rental in the future. Their business now is primarily a distributorship of scooters. There will be no services of autos at the site.

No one appeared in opposition.

Mr. Vande Loo moved to approve the request with the conditions listed in the staff report. Mr. Kayser seconded and the motion carried.

4. **CONDITONAL USE PERMIT (CZ-0709) - Home Occupation, 4208 Woodridge Drive**

Steven Falstad has submitted a request to allow a home occupation consisting of a roofing company at 4208 Woodridge Drive. The occupation involves the storage of roofing materials within 1 stall of his 3-stall garage that he uses for his roofing company. ABC Supply delivers these materials on pallets to applicant's garage once a month or 6 weeks with a truck and pallet jack to move them into the garage. It takes about 20 minutes to unload. Applicant then loads his pickup with the material to take to the construction site. The City has received numerous complaints and there appears to be vehicles associated with this business parking on Commerce Valley Road adjacent to commercial zoning. Mr. Tufte reported a large number of emails were received in opposition, which were included in the packet, as well as many more distributed at tonight's meeting.

Mr. Falstad spoke in support. He stated that nothing is stored outside of the garage and only one stall is used for the business. He showed pictures of the material stored in the garage. All heavy roofing material is delivered directly to the job site. He recently moved to this neighborhood but has been in business for 3 years with a nine-man crew. He also owns 6 heavier vehicles with the business, which he parks occasionally on Commerce Valley Road on weekends.

Joel Aberg, 3317 South Pointe Court, spoke in opposition. He stated he is concerned that the house is being used as a warehouse. There is concern about fumes from the items if they catch fire, and also there are many children in the neighborhood. This business use conflicts with a residential neighborhood.

Tim Moore, 4307 Woodridge Drive, also spoke in opposition. He stated that his grandchildren visit him often and play outdoors in the front yard. His primary concern is safety.

Jim Miettunen, 4202 Woodridge Drive, spoke in opposition. He noted that the delivery trucks block his driveway for up to 20 minutes at a time. This is a quiet street and it's not appropriate to run an ongoing business in the neighborhood.

Bob Ridenour, 4312 Woodridge Drive, spoke in opposition agreeing with the previous speakers.

Joann Miettunen, 4202 Woodridge Drive, spoke in opposition. She stated that she has witnessed many deliveries to the house when Mr. Falstad was not present. She noted company vehicles made 3 trips to pick up supplies. She felt there was too much traffic from the business on the street.

Lynne Shaffer, 4420 Woodridge Drive, spoke in opposition. He pointed to the location of several homes with pre-school children in the neighborhood. The operation of such a business was unsafe for the neighborhood.

Richard Greene, 4317 Woodridge Drive, stated that a roofing company is a 12-hour business and should be located someplace else.

Mary Ann Rizzato, 4322 Woodridge Drive, also spoke in opposition citing the number of children in the neighborhood.

Dorothy Dichoff, 4426 Commerce Valley Road, spoke in opposition to the parking of the large vehicles on Commerce Valley Road. They impede the traffic, as they are difficult to see around. She also noted that school buses use this route to pick up children in the neighborhood.

Steve Falstad then answered more questions raised at the hearing concerning the operation of the business.

Mr. Kayser stated it appears that the business is adding to an already dangerous situation on the street, where there are no sidewalks, with other truck traffic, and that the cul-de-sac does not need more traffic to the benefit of a single property.

Mr. Davis felt the business has reached the elastic limits of its operation in a residential neighborhood and what is expected within a community.

Mr. FitzGerald moved to approve the request with the conditions listed in the staff report. Mr. Kayser seconded. Mr. Levandowski proposed adding a fourth condition which would not allow parking of commercial vehicles on Commerce Valley Road and this was accepted by the commissioners.

Mr. Larson stated that he could not support the motion because he felt it violated items 2, 3, 6, 7, and 10 of the home occupation Section 18.35.050 L. Mr. Levandowski cited conflict with sections 3 and 9 of the ordinance. The chair called for a vote and the motion failed unanimously.

5. **CONDITIONAL USE PERMIT (CZ-0710) - Vehicle Storage Yard, 2603 Mondovi Road**

Leonard Drescher has submitted a request to allow a vehicle storage yard in a C-3P District located off Mondovi Road, north of Hwy. 37. The area will enclose a 150' x 200' area with 8' high screened chain-link fence with 2' of additional barbed wire. The storage will be for motor homes, boats and vehicles. All items stored need to be usable/licensed vehicles or boats. No junk allowed.

Mr. Drescher, 1209 Collins Court, spoke in support. He stated the surface will be compacted gravel 6-7 inches thick.

Randy Patrow, W4365 Langdell Road, and property owner on Mondovi Road, spoke in opposition.

He felt the use was not appropriate for the location at an entry to the City. He noted the failure of the storm drainage system was causing water to run through his property from the Drescher property.

John Genskow responded that the failure of the storm drainage system occurred to the south of Hwy. 37, which was designed to handle the run-off from this property, but the pipe underneath the highway was plugged on the south side. The vegetation was removed by the State but not the collected silt build-up which was still limiting the flow of water. This will need to be corrected. The City will also construct an additional outfall pipe in the future to the area to drain to the Chippewa River.

Mr. Vande Loo moved to approve the request with the conditions listed in the staff report. Mr. Waedt seconded and the motion carried. Mr. Davis voted no.

6. **CONDITIONAL USE PERMIT (CZ-0711) - Detached Garage, 4018 Rudolph Road**

Jeffery Anderson has submitted a request to allow a detached garage in excess of accessory use standards at 4018 Rudolph Road. The proposed detached garage is 780 square feet and 20' in height to match the 10/12 roof pitch of the residence. The second floor will be used for storage.

Mr. Anderson stated that he has removed many trees from the property but will be replacing many. The garage is for storage of two vehicles and other family items. Access to the garage will be on the north side of the house. The garage siding will match the house. The existing access easement to the south will be maintained by him.

Steve Neevel, 1504 Dogwood Drive, addressed some concerns about the noise and loss of the trees from the property

Margot Bouchard, 1514 Dogwood Drive, spoke in opposition. She was concerned about the loss of the trees and that there may be some auto repairs taking place in the garage.

Peggy Buckley, 1414 Dogwood Drive, also spoke in opposition.

Lynn Buckley, 1414 Dogwood Drive, was concerned that the garage may evolve into something larger and more objectionable to the neighborhood.

Lara Bouchard, 1514 Dogwood, felt the garage was very large and overwhelming and there are not others within the neighborhood.

Mr. FitzGerald moved to approve the request. Mr. Vande Loo seconded and the motion carried. Mr. Kayser voted no.

7. **CONDITIONAL USE PERMIT (CZ-0712) - Catering Business in Church, 3220 Monroe Street**

Rebecca Flynn has submitted a request to allow a catering business in a church at 3220 Monroe Court. The business will be operated out of the kitchen at St. Olaf Parish. Normal operation will be from 8 am to 4 pm for 2 days a month. The kitchen is licensed by the City/County Health Department. There will be no sign and no stock in trade is planned.

Ms. Flynn appeared in support. No one appeared in opposition.

Mr. Vande Loo moved to approve the request. Mr. FitzGerald seconded and the motion carried.

8. **CERTIFIED SURVEY MAP (CSM-02-07) - 20th Street and 20th Avenue, Town of Wheaton**

John Mickesh has submitted for approval a Certified Survey Map with access via an easement for property located south of 20th Avenue and east of 20th Street in the Town of Wheaton. The proposed lot is 12.76 acres with access via a 90' wide, 538.52' long ingress and egress easement. The property is nearly three miles from the City limits and unlikely to impact future City street systems.

Mr. Davis moved to approve the CSM. Mr. Vande Loo seconded and the motion carried.

9. **ACQUISITION - HOME Investment Partnership, 3051/3053 Runway Avenue**

Keith Johnathan, Administrator, Eau Claire Housing Authority, presented a request for site approval for a duplex located at 3051/3053 Runway Avenue. The Housing Authority advertised for available duplexes for sale. The sale is voluntary and the new tenants will be low-income families which will pay rent at 30% of their household income. The Housing Authority currently owns 14 duplexes on Runway Avenue under the Public Housing Program. This is the first structure under this program. The other HOME sites are scattered through out the City. This Housing Authority maintains their homes at very high standards and monitors tenants.

Mr. FitzGerald moved to approve the site and adopt the resolution. Mr. Vande Loo seconded and the motion carried.

10. **SITE PLAN (SP-0723) - Addition to Good Shepard Apartments**

Mr. Levandowski excused himself from the commission for conflict of interest. Mr. Waedt assumed the chair of the commission for this item.

Bob Johnson has submitted a site plan for an addition to Good Shepard Apartments at 3304 14th Street. The site plan shows a 16-unit addition to the rear of the building with 9 underground parking spaces. The addition is consistent with the General Development Plan. The required parking for this facility is 42 stalls and 51 stalls are provided on surface and underground.

Gene Sleisner, representing Goldridge Group, appeared in support.

Mr. FitzGerald moved to approve the site plan with the conditions listed in the staff report. Mr. Davis seconded and the motion carried.

11. **DISCUSSION - Intergovernmental Agreement - Town of Seymour**

Mr. Tufte reported on his meeting of May 1, 2007 with the town board from the Town of Seymour. The purpose was to see if the Town would be interested in entering into an intergovernmental agreement to implement the standards of the City's Comprehensive Plan. After consideration, the Town Board voted to negotiate an agreement with the City. Staff is recommending that the Plan Commission request the City Attorney draft an intergovernmental agreement for the City Council and the Town of Seymour Board to consider that provides for the exception to the 10-acre standard as previously outlined by the Plan Commission.

Mr. Davis moved that the Plan Commission request the City Attorney prepare a draft intergovernmental agreement between the City and the Town of Seymour. Mr. Kayser seconded and the motion carried.

MINUTES

The minutes of the meeting of May 14, 2007, were approved.